

Philadelphia, Pa., and Joseph McManus, alleging shipment on or about September 9, 1941, from the State of Pennsylvania into the State of New Jersey of a quantity of digitalis leaves capsules.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since it was represented to contain 1 grain of digitalis leaves per capsule but it contained not more than 0.4 grain. It was alleged to be misbranded in that the label statement, "Capsules Digitalis Leaves Approximates 1 Gr.," was false and misleading.

On September 16, 1942, the defendants having entered please of nolo contendere, the court found them guilty and imposed a fine of \$125 against each defendant.

**818. Adulteration and misbranding of Estrovin. U. S. v. 950 ampuls of Estrovin. Default decree of condemnation and destruction. (F. D. C. No. 7634. Sample Nos. 7697-E, 7698-E.)**

The potency of this product was not greater than 1,100 international units of estrogenic ovarian follicular hormones per cubic centimeter, whereas it was represented to possess a potency of 5,000 such units per cubic centimeter.

On June 10, 1942, the United States attorney for the Southern District of California filed a libel against 950 ampuls of Estrovin at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 28, 1942, by the Adson-Intrasol Laboratories, Inc., from New York, N. Y.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess, namely, 5,000 international units of estrogenic ovarian follicular hormones in each cubic centimeter.

It was alleged to be misbranded in that the following statements in the labeling: (Box containing 25 ampuls) "Estrovin in Oil \* \* \* 1 c. c. contains therapeutic activity of 5,000 i.u. of estrogenic ovarian follicular hormones," (individual ampul) "Estrovin in Oil 1 c. c. 5,000 I.U." were false and misleading, since 1 cubic centimeter of the article did not contain the therapeutic activity of 5,000 international units of estrogenic ovarian follicular hormones.

On August 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**819. Adulteration of wheat germ. U. S. v. 161 Cases and 45 Cases of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 8399. Sample No. 16874-F.)**

On September 24, 1942, the United States attorney for the Southern District of New York filed a libel against 161 cases, each containing 12 ½-pound cans, and 45 cases, each containing 12 1-pound cans, of wheat germ at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28, 1942, by the Battle Creek Food Co. from Battle Creek, Mich. The article was labeled in part: "Battle Creek Wheat Germ."

Examination of samples of the article showed that it contained less than 300 U. S. P. units of vitamin B<sub>1</sub> per ounce.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented on its label as possessing, 500 U. S. P. units of vitamin B<sub>1</sub> per ounce.

It was alleged to be misbranded (1) in that the statements on the label, "One ounce (approx. ⅓ cup) of Battle Creek Wheat Germ supplies 500 U. S. P. units of vitamin B<sub>1</sub> (Thiamin), (1½ times the minimum daily requirement for an adult)," was false and misleading since it contained less than 500 U. S. P. units of vitamin B<sub>1</sub> per ounce; and (2) in that the statements, "Wheat Germ fills a much-needed place in the modern diet which is apt to be deficient in Thiamin (vitamin B<sub>1</sub>) and Riboflavin (vitamin G). Vitamin B<sub>1</sub> tends to make steady nerves, improves appetite, aids digestion and combats constipation. Vitamin G promotes good nutrition; both vitamins help to build vital resistance. Battle Creek Wheat Germ presents a \* \* \* economical source of these important vitamins. One ounce (approx. ⅓ cup) of Battle Creek Wheat Germ supplies 500 U. S. P. units of vitamin B<sub>1</sub> (Thiamin), (1½ times the minimum daily requirement for an adult)," were misleading since they represented and suggested that adequate amounts of vitamin B<sub>1</sub> and riboflavin are not supplied by the ordinary diet and that the use of the article would promote steady nerves, improve the appetite, aid digestion, combat constipation, promote good nutrition, and build vital resistance, whereas vitamin B<sub>1</sub> and riboflavin are present in a wide variety of ordinary foods and are present in many ordinary diets in adequate amounts, and the use of the article would not correct or promote the conditions mentioned.